

REMARKS

I. Amendments to the Claims

The Examiner has required clarification of claims 29 and 34.

By the foregoing amendments to the claims, claims 29 and 34 have been amended by incorporating the subject matter of claim 21. In addition, other amendments to the claims have been made to clarify the claim language and bring the claims into better conformance with U.S. patent practice. These amendments are merely editorial in nature and are not intended to change the scope of the claims or any elements recited therein.

The amendments to the claims have been made without prejudice and disclaimer to any subject matter recited or canceled herein. Applicants reserve the right to file one or more continuation and/or divisional applications directed to any canceled subject matter. No new matter has been added, and entry of the foregoing amendments of the above-identified application are respectfully requested.

II. Response to Restriction Requirement

The Examiner has required that the present application be restricted, under 35 U.S.C. §§ 1.121 and 372, to one of the following three groups of claims:

Group I: Claims 18-20 and 30-31, in part, drawn to a peptide composition comprising HCV NS3, NS4, and NS5b;

Group II: Claims 21-29, 32 and 34, drawn to an expression vector, host cell comprising the vector and kit comprising the vector as well as the method for using the vector; and

Group III: Claim 33, drawn to a pharmaceutical kit comprising adenovirus expression vector and poxvirus vector.

Applicants hereby elect the invention defined by the Examiner as Group II, Claims 21-29 and 32-34, drawn to an expression vector, host cell comprising the vector and kit comprising the vector as well as the method for using the vector. Applicants respectfully submit that new claims 36 and 37, which depend from claims 23 and 23 and 29, respectively, should also be examined as part of Group II.

II. Response to Election of Species Requirements

In addition, the Examiner has required an election of species for prosecution on the merits, as follows:

I) one of the following: (A) the polypeptides of nonstructural proteins are originated from genotype 1b; or (B) the polypeptides of nonstructural proteins are originated from the same species.

Further, in the event that Group II is chosen in response to the Restriction Requirement, the Examiner has required election of an additional species, as follows:

II) one of the following: (A) the expression vector is an adenovirus vector, or (B) the expression vector is a poxvirus vector.

In response, Applicants hereby elect the species: I(A) the polypeptides of nonstructural proteins are originated from genotype 1b; and II(B) the expression vector is a poxvirus vector.

CONCLUSION

This response is made without prejudice or disclaimer to any non-elected subject matter, and Applicants reserve the right to file one or more continuation and/or divisional applications directed to any non-elected subject matter.

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.


In the event that there are any questions related to this response, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney at the below-listed telephone number concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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